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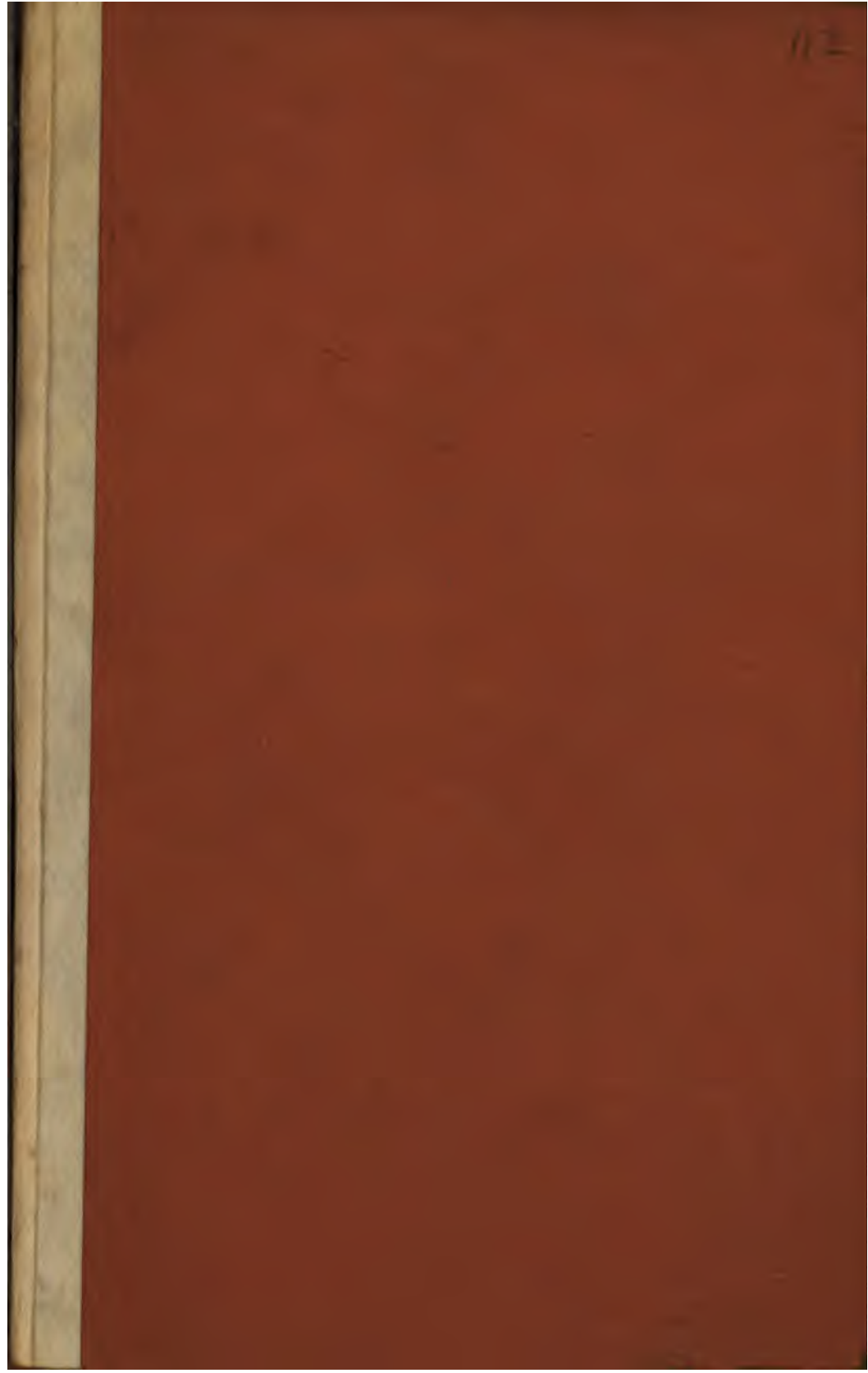
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- - A
SECOND LETTER
TO
THE RIGHT HON. VISCOUNT MELBOURNE,
FIRST LORD OF THE TREASURY,
ON THE
LIBERTY OF THE SUBJECT
AS AFFECTED BY
THE ATROCIOUS SYSTEM
OF
IMPRISONMENT FOR DEBT.

112

By **ROBERT GORDON, Esq.**



LONDON:

J. BRADLEY, GREAT TITCHFIELD STREET;
SIMPKIN & MARSHALL, STATIONERS' COURT.

1836.

1836. 536 *

LONDON :
PRINTED BY J. BRADLEY, 78, GREAT TITCHFIELD STREET,
ST. MARY-LK-BONE.

"The English ~~can~~ never be enslaved, but by their Parliament."

LORD CHATHAM.

TO

VISCOUNT MELBOURNE.

MY LORD,

THE Letter of the 7th of July, which I had the honour of addressing you, on the atrocious system of *imprisonment for debt*, did not, I find, prevent the Lord Chancellor from moving the second reading of the bill, ludicrously called "*A Bill for the Abolition of Imprisonment for Debt.*" This event was unfortunate, not for the victims that are pining in dungeons; for, a petition to the king's Secretary of State will at once set them free; but for those persons who are engaged in the all-important duty of administering the laws of this country.

It could not be too early stated, my Lord Melbourne, not for your Lordship's information, because you are already apprized of the fact, but for the information of the public, before whom this letter will shortly appear, that at the moment, and for four days previous, the Lord Chancellor

had in his possession, a copy of the "*letter*" above alluded to.

As the statements, allegations, and sound reasoning contained in that "*letter*" went to demonstrate that, without the most flagitious violation of every law, human and divine, no such atrocious system as that of "*imprisonment for debt*," ever could exist in any civilized country, I did hope, that its calm and dispassionate perusal would have prevented his Lordship from risking the stability of an Administration, high in the confidence of the king, and equally high in the confidence of the people.

You, my Lord Melbourne, know that on the 7th of July, a copy of that "*letter*" was, by my direction, transmitted to you. And, my Lord Melbourne, I allow myself to believe, that you also know, that copies were also transmitted the same day to your illustrious colleagues,—the Lord Chancellor, and Lord John Russell.

Before entering upon an examination of the *speech* reported to have been made by the Lord Chancellor, on moving the second reading of that "*Bill*," I beg most distinctly to be understood as not, by any means, identifying his Lordship, personally, with the opinions and doctrines hastily advanced in that "*speech*." That his Lordship had not read the first letter I had the honour of addressing your Lordship, when he made that "*speech*," is evident, from the letter of acknowledgment for the receipt of it, with which he honoured my publisher. The opinions and doctrines, therefore, if advanced by his Lordship in that "*speech*," stand exclusively chargeable to the base

misrepresentations which had been made to him. That his Lordship has since read that "*letter*,"—that it has made an honourable impression on him, and, that, he deeply and sincerely regrets that he had not earlier read it, and made himself acquainted with its contents, I have good and solid reasons for believing.

It is the misfortune,—and has ever been the misfortune of men in power in this country, from the earliest ages, never, with respect to grievances, to hear the truth—until the fatal consequences, invariably resulting from them, break suddenly and irresistibly in upon them. This is a state of things which ought not to be. They ought to listen, in order to learn;—they ought to know, in order to guard.

“ Ruin from man is most conceal’d when near,
And sends the dreadful tidings in the blow !”

My attention was first directed to the atrocious system of "*imprisonment for debt*," by a friend, whose wife, a young and beautiful woman, fell a sacrifice to the fright of his arrest! Enraged with a system to which he owed an everlasting anguish, he determined to destroy it. He communicated to me his plan,—which was ingenious and harmless, and would have proved decidedly effectual. It was, to collect among his tenants—and the tenants of a number of his friends—about 5,000 persons, who would, on certain terms, consent to be sent to prison on executions taken out on warrants of attorney, for 20*l.* each. I highly, I confess, approved of the "plan";—it was mild, temperate, and in no way injurious to the imme-

diate actors in it. Those persons would have carried their own release in their pockets with them to the prison, and therefore could at any time, or under any calamity, such as the illness of a wife or child, release themselves from their imprisonment. It had besides, many features to recommend it, in addition to that which I have just mentioned. A "*warrant of attorney*" was an instrument which required no affidavit to give it effect, and being printed, required little time in filling up; and as to expense, that did not weigh a feather in the scale;—he had had a large fortune with his wife, and had come to the resolve of expending its last shilling, in avenging her *murder*, as he justly designated her death, from the manner of it; and even if that fortune, large as it was, had failed, he had then Mr. Rothschild, with whom he was on terms of the closest intimacy, to look to, for further funds. Mr. Rothschild had himself suffered from the atrocious system, some thirty-six years before, and would have inevitably sunk under it, had it not been for Mr. Yeats, who generously stepped forward to extricate him. An act of kindness, Mr. Rothschild, than whom a more grateful man could not exist, never lost sight of. It was the circumstances attending the arrest of my friend, more than the arrest itself, that called down his vengeance on the system. His lady was in the last stage of pregnancy when his arrest took place, and a premature labour, which ended fatally, was the immediate consequence. Few men, I believe, ever received the treatment my friend received, from the ruffians that arrested him. The excuse made for

that treatment was, the nature of the process (an execution founded on a bail bond), and the sum, which, no doubt, was considerable; but had the sum been ten, or even a hundred times what it was, it would have been paid, had the ruffians consented to wait till he sent to his bankers. Such was his rage against the system, that he had at first determined to send two or three persons to each of the prisons, labouring under contagious disease; but on my pointing out the inhumanity of such a measure, he at once gave up the thought; he was not, however, long in finding a substitute. An injured man is invariably fertile in discovering means to reach his injurer; and a very few days after I had expressed my disapprobation of his intention to send diseased persons into the prisons, he brought me the "*plan*" above detailed.

Nothing could exceed the gratification I felt, at the change he had made, and the determination he stated himself to have come to, of adopting the last-mentioned "*plan*." It possessed many advantages: it required but little penetration to perceive, that in addition to the overwhelming inconvenience it would occasion in the prisons, its weight upon the county, and poor rates would be intolerable. The "*Insolvent Court*," as voluntary prisoners, could go no length in withdrawing them. Having their liberator in their pockets, and being provided with sufficient money to supply their wants, they would have no necessity to apply to it.

That the "*plan*" would have succeeded, had it been acted on, there cannot exist a doubt. The principle was tried, on a small scale, in 1825, the

year of the panic ; but then, not by design, or previous arrangement, but by the force of circumstances ;—and though the *extra* number did not exceed 400, against whom “*writs of capias*” had been taken out,—and though those 400 did not remain in prison longer than a few days, still a sufficient effect was produced, to satisfy any reasonable man, that had the principle been pushed to the extent of 5,000, and those 5,000 remain in prison voluntarily, nothing on earth could have saved the system from destruction. It is an old saying, and a well-established truth that, let any vicious system have room, and time enough, and it will cure itself. So with the atrocious system of “*imprisonment for debt*” :—fill the prisons,—and keep them filled,—and its destruction is inevitable. So sensible are the abettors of the system, of this fact, that they actually subscribe large sums annually, to enable the poorer class of victims to pass out of prison through the medium of the “*Insolvent Court*” ! I know one individual alone that subscribes 1,000*l.* annually for that iniquitous purpose—iniquitous on account of its *motive*. The “*Thatched House*,” the “*Craven Street Institution*,” and several similar ones, under the name of charitable, are of the same character. It is not because a “*plan*” is simple, that it should therefore be rejected. The greatest objects that ever were accomplished, have been accomplished by simple means. “It is of no consequence,” says Junius, “of what materials an instrument is made,—the question is, is it fit for the work in hand ?” Whatever filled the prisons, and kept them filled,—no

matter what that was,—would have accomplished the object my friend had in view—namely, the destruction of the system.

In the face, however, of this certainty, it struck me, that there was great objection to the adoption of the “*plan*,” if any other could be devised, of which the expense would be as trivial, and the result as effectual. The principal—indeed I might say, the *sole* objection to the “*plan*” just detailed, was the embarrassment it would occasion the Government. Nothing could induce me to be a party to any “*plan*,” which was likely, in the slightest degree, to embarrass the present Administration, believing, as I most conscientiously do, that the prosperity of the country is bound up with its quiet and permanency. But these were my sentiments—my principles;—they had nothing to do with the sentiments or principles of my friend;—he, in no way participated in them;—he had lost a wife—a young and amiable wife,—and he lost that “*wife*,” by the atrocious system of “*imprisonment for debt*,”—and destroy it he would—or perish in the attempt!

Reasoning with an injured man was out of the question; but two alternatives remained to me,—either to join my friend, in his endeavours to carry his “*plan*” into execution (which I was determined not to do), or devise one, which would be equally economical, and equally certain in its result.

In this dilemma it was my fortune, after a few weeks’ deliberation, to adopt the alternative. I devised a “*plan*” equally economical, and equally certain as to its result. That “*plan*” your Lordship found detailed in the first “*letter*” I had the

honour of addressing you on the atrocious system of "*imprisonment for debt.*"

In proceeding to collect *materials*, on which to found the "plan" presented to your Lordship, above alluded to, I found difficulties heaped on difficulties,—I could procure no information that I could rely on,—those who could give me information, were interested in concealing it;—I was not however discouraged,—I persevered,—I gained light as I progressed,—I traced back consequences to the cause that produced them. This was the true way to conquer the difficulties that opposed me,—and, I succeeded. The means by which I succeeded, are not without interest. I had from my earliest days been impressed with the conviction, that all vicious systems in a state, had a rotten foundation, and to overthrow them, nothing more was necessary than to get at their foundation,—draw it forth, and expose it. It is thus that I set about the task of getting at the foundation of the atrocious system of "*imprisonment for debt.*" This, however, was a task not easily accomplished ;—"the foundation stone" lay low,—it was bedded deep,—it was shrouded in darkness. All the other parts of the building were visible,—the "*foundation stone*" alone, was hid—concealed—covered over.

The more obstacles I found in my way to get at the "foundation stone," the more anxious I became to reach it. I was stimulated by the strangeness of the idea, that a system which was sustained, cherished, and perpetuated by *victims*, should, nevertheless, find its death blow, in an extra number of

those "*victims*"! This certainly, I confess, at the first view perplexed—astounded me. The phenomenon, if I may be allowed the expression, which here presented itself was, what I could not comprehend. Taught from my infancy to revere the British Constitution, and associating constantly with those classes in the state whose wealth and station made them its proper guardians, I could not conceive, unless it had been most flagitiously violated, that any grievance, however long it had endured,—however deep it had been rooted,—or however powerful were the *interests* which it supported, could have a day's existence after it had been exposed, and public attention directed to it. If, as I was led to believe, that the British Constitution was the "*pride of England, and envy of the world*," why, I naturally asked myself, should there spring up a necessity, of having recourse to any scheme, however ingenious, or however harmless, to get rid of a grievance, which left the "Constitution" no choice, but that of at once destroying it—or bowing to its own destruction? In this conviction I do say, that if there is any one thing in this world more impossible than another, it is, that the atrocious system of "*imprisonment for debt*" should ever survive the tremendous blow that I have given to it, in the first letter I had the honour of addressing your Lordship on the subject.

It has been said that, "*the system exists in every other country on the face of the earth*":—if such be the case, I would earnestly and emphatically ask, *in what* consists the superiority of the "*British Constitution*" over the *constitution* of every other

country on the face of the earth? Will the persons who propagate this tale, which, by the bye, is as false as the God of goodness is true, seriously tell us that, in any other country on the face of the earth, a man can be seized—torn from his family—and dragged to a dungeon, without a charge, or even colour of charge, being brought against him, and that, at the instance of, *perhaps*, one of the most base and contemptible miscreants in the community, without any authority, magisterial or ministerial, and kept in that dungeon for the remainder of his life! If those persons could tell such a tale, all I can say is, that they could not get a solitary being at this side of St. Luke's to believe them.

Falsehoods, propagated by men in power, have done incalculable mischief,—but they have had their day. I have brought one class of "*falsehoods*" to an ignominious end; and my calculations must sadly err, or I will bring their propagators to a like ignominious end.

That the atrocious system of "*imprisonment for debt*" exists in France, I acknowledge; but its end here, will be its end there, as its continuance here, has been the result of its continuance there. "Look to France," our Tories exclaim,—“look to her brave and high-minded people,—see how *patiently* they bear its screws, its ropes, its pulleys.” Base calumniators!—the French are no slaves;—they bear no wrongs *patiently*,—much less the murderous wrong of imprisoning a man, charged with no offence, or colour of offence. The volcanic matter now scattered all over France, waiting only

a spark to give it ignition, proves, beyond all question, that they do not submit to murderous "wrongs" *patiently*.

Your noble and generous mind, my Lord Melbourne, will start back with horror when I tell you (and I will tell you nothing that I cannot prove), that it is to the *Tories*,—the infamous Tories of this country, that France stands this day indebted for that murderous "*wrong*." After the peace, it was for some time a matter of doubt with the *Tories*, (who, with the assistance of British gold, ruled everything then on the Continent,) whether they would, or would not establish the Bourbons again on the throne of France; and it was not until after Louis XVIII. had entered into an express engagement, to "*assimilate the mode of recovering debts in France to that adopted in England*," that our Tories consented to place him on the throne. *Pozzo di Borgo*, the Russian ambassador, and *Polignac*, the French ambassador, negotiated the measure.

It may be asked, what *interest* the English Tories could possibly have, in the "*mode of recovering debts in France*"? The answer is ready:—the deepest, the most vital interest. The English Tories were plundering in all directions, and in every crevice, through the mode adopted in England for the recovery of debts,—and unless they could procure a *similar* mode in France, they were undone! Aware of this, they subscribed upwards of a million of money, to buy over the parties, who from their influence and talents were most likely to oppose the measure; they settled, besides handing him large sums, a pension of 400*l.* a year

on *Pozzo di Borgo* ! To have settled a pension on *Polignac*, would not do—that would have told all.

How strange it is, that any man could be found weak enough to rise in an assembly composed, of some few members at least, of sound and well-regulated judgment, and make assertions—mere assertions, and there, leave them, naked and without explanation. Nothing is easier than for a man to say, when any particular system is attacked, that, “*the same system exists in every other country on the face of the earth;*”—but is it consonant with the character of an upright and honourable man to assert just so much, without going on to explain how, or in what manner that “*same system,*” as he styles it, acts in all those other countries? How childish would we consider that man who should assert, if the subject under discussion was the state of our harbours, that “*there were harbours in every other country on the face of the earth,*”—without going on to describe the respective positions of those “*harbours,*”—their respective advantages or disadvantages ;—the safety, for instance, extent, or shelter of some, and the danger, limits, or exposure of others.

It is thus with the atrocious system of “*imprisonment for debt;*” it certainly does, as I have before acknowledged, exist in France ;—but how does it exist there ? Will any man who has ever read beyond his primer, or seen beyond his mirror, exhibit the hardy folly to assert, that it exists there, as it does here ?—that it spreads its pestiferous fangs throughout the whole society of France, as it does throughout the whole society of England ?—

that it reaches and wounds every interest in France, in the same brutal and reckless manner it reaches and wounds every interest in England? Will any man that has ever read a line of French history, French habits, French customs, or French laws, venture to assert, in the face of any assembly not blinded by ignorance or corrupted by gold, that in France a man can purchase an instrument, signed by nobody—neither by judge, by magistrate, or by minister—fill it up with the name of his victim, and the sum fixed on, for his ransom, and with that “*instrument*,”—that nonentity,—seize suddenly on him,—rob him,—carry him to a dungeon, and keep him in that dungeon till he finds—either his ransom, or his grave?

In France, when a citizen has a demand on a fellow-citizen, and finds it necessary to appeal to the laws to enforce it, he does not appeal in the character of a creditor, plaintiff, or *informer*,—but in the simple, yet expressive character of, *a claimant*, and in that character, he remains throughout the whole proceedings, till he establishes his title to the sum which he claims. In France, the Judicial Tribunal knows nothing of “sharp practice,”—“taking by surprise,”—or “judgment by default.” It knows nothing of the “*claimant*,” save his case, and the evidence by which it is supported. Neither he, nor the person against whom he makes the claim, is required to appear before the judge; he sends his witnesses (*two* at least), who must be upright, disinterested, and unimpeached. The evidence of the parties themselves, as having a personal interest in the result, is wholly and entirely

inadmissible. If the demand is proved to be just, a decretal order issues, signed *manu sue*, by the judge, against the *property* in the first instance ; but if there is no property to be found, the matter is suffered to lie over ; but if proof can be adduced that there is property, and that, instead of applying it to the liquidation of a just demand, it is squandering, an order issues for the detention of the person. There are many circumstances, I allow, which extenuate this act—but none to justify it. This one blot on the French character, cost our Tories upwards of half a million of money !

But to continue. The *claimant*, from the hour his defaulter enters the prison, is compelled, *by law*, to support him. He must pay into the hands of the gaoler every morning, at a stipulated hour, the means of his subsistence for that day,—and he must do so without any reference whatever to whether the *detenu* has, or has not the means of providing for himself. If the claimant, who is bound to attend with the stipend himself, every morning regularly, be one moment beyond his time,—the demand is *cancelled*, and the prisoner free !

This is an interesting subject, and worthy of being enlarged. There are no *fees* exacted by the judges of the law courts of France, nor by their clerks, consequently, no charge made for their aggregate—*costs*. Each of the suitors pays his own law agent, if he has one ; if not, he has nothing to pay in the shape of *expense*. The suitor, on whom the demand is made, has not, through any of the stages of the suit, to appear personally, before the judge : he is not served with a summons or citation,

but a *paper* announcing to him that a demand is made, and requiring him to either pay such demand, or state his reasons for declining. He has full *four months* of perfect liberty between the service on him of that "*paper*," and the service of the final decree. He is not called on for *bail*; the laws of France know nothing of "*bail*" in civil suits. The claimant is obliged to pursue his suit—and prove his case, whether defence is taken to it, or not. The judge alone, puts the prisoner in, and can alone, release him from, prison. He possesses a discretionary power, in all cases of sickness or other casualty, to set him free, without any communication with, or authority from, the *claimant*. No other *claimant* can sue him, or prefer a claim against him, until he gets disengaged from the claim first made on him;—that is, if he is in prison on account of it. The French laws know nothing of conspiracies. Two, or more *claimants* preferring their claims at one and the same time, is a *conspiracy*. The king can command the services of the prisoner, either as a soldier or sailor;—and the State can command his services as a physician, artist, engineer, or chymist—on the principle, that the suspension of his liberty is in itself sufficiently injurious to the commonwealth, without being followed by the suspension also of his *services*. His period of detention can, under no circumstances, exceed two years; and every man in France, without one solitary exception, naturalized as a Frenchman, is subject to precisely the same suspension of his liberty, under the same circumstances. The laws of France know nothing of

exemption or *privilege*. The members of the Senate, whether deputies, or peers, are as liable to imprisonment on civil suits, after the debt has been proved, the same as the humblest man in the kingdom, provided, he has not reached his seventieth year;—at that age his liability to “*imprisonment*”—ceases.

The practice which I have here detailed, refers exclusively to individuals unconnected with trade, or business;—the debts contracted by traders in France, are regulated by the bankrupt laws of that country. Now it cannot be denied, that before those two classes, so evidently separate and distinct, could be confounded, the government of the country where such an attempt would be made, should be sunk to the very lips in political corruption.

From what I have stated, nothing can be clearer than that the atrocious system of “*imprisonment for debt*,” is evidently different in France, to what it is in England. The respective effects it produces, incontrovertibly prove that fact. In France there are four and forty millions of inhabitants,—and I will venture to affirm that, taking in the entire of her territory, there are not this moment a hundred persons suffering imprisonment there, under that system,—while in this country, which, including Ireland and Scotland, does not contain half that number, more than *four hundred thousand persons* are suffering under its fangs! And in this calculation I by no means include the families of the victims, who are perishing outside the prisons, while their natural guardians are perishing within them.

Wherefore this frightful difference? No question easier solved. In the law department of France, there exist no such thing as *fees*, or *bribes*,—for they are synonymous terms,—and, as a natural consequence, there exist no *sinecurists*! Where there is no *carrion*, there will be no *ravens*! Throughout all the law courts of France, there is no such miscreant as a “*master clerk*,” deriving a salary of 100*l.* a year, *publicly*,—and a plunder of 10,000*l.* a year, *privately*, from *fees*, or *bribes*! In the judicial proceedings of those “*courts*,” there is neither *lie*, *falsehood*, *fiction* or *deceit*,—there is neither “*John Doe*”—nor “*Richard Roe*,”—nor yet a third brother, “*John Trustout*,” villanously converted, phantoms as they are, into the generative power of “*pledges to prosecute*.” In those judicial proceedings, there is neither perjury, forgery, or robbery. And with respect to the laws of France, there is no such infamy connected with them as a privilege, or exemption from their operation. Every man in France, whatever may be his grade or position in society, from the peer to the peasant inclusive, is equally and fully subject to their control and power. There is not a member of her Parliament—whether a deputy belonging to her chamber of deputies, or a peer belonging to her chamber of peers, that cannot be imprisoned for debt, four months after service of process, in precisely the same manner, that can the humblest individual in the State. Thus much for the respective operations and effects of the atrocious system of “*imprisonment for debt*” in both countries—France, and England.

I should observe, that I speak of France, as she is at present, and not as she was prior to the revolution of 1798. That "*revolution*" happily swept away a mass of her judicial villany, which, in fact, nothing but a *revolution* could have swept away.

The law courts of France have no *prisons* annexed to them for incarcerating *victims*, in order to extort from them the *fees*, or *bribes*, which they exact in their proceedings. The tribunal "*De première Instance*," or the "*Tribunal de Cassation*," has no "*maison de force*" exclusively attached to it. In France, no public functionary can have a *prison*. The *prisons* of France are the *prisons* of the State—*State prisons*.

I trust, my Lord Melbourne, that the exposition I have here given, will put an end to the infamous practice of men getting up in a high assembly, and making *assertions*—mere assertions,—and subsequently leaving those assertions, naked and unexplained.

There are many countries in which the atrocious system does not exist, even in its mildest form. That it exists in England, we have but too many woful and visible proofs. There are more robberies and murders committed in England, in one year, than in all the other countries in the world put together, in ten. In Turkey, where a vestige of the system does not exist, murders are rare; scarcely one in a dozen years;—and as to robberies, they are literally unknown in that country. "Sheriff, or the courier," says Mr. M'FARLANE, in his Constantinople in 1828, page 101, "that runs between "Smyrna and Constantinople, rarely performs his

“journey without having large sums of money
 “confided to him by European merchants, Turks,
 “and others ; yet he jogs along with all the se-
 “curity of an empty purse, and is often to be seen,
 “when on the road, comfortably smoking his chi-
 “book within the coffee-house, and his bags of
 “sequins thrown down at the door. Through a
 “wildly-desolate country, where almost every step
 “presents scenes that seem made for the haunts of
 “robbers, Sheriff has travelled in the way I men-
 “tion, for many years, without ever being robbed.”

Two causes concur in *producing* this state of security in Turkey ; the one is, the English Tories have never been able to gain an influence in her councils—and the other, the invariable rule adopted by her sultans of never suffering great criminals to go unpunished. There are no heads but those of ministers and high officers of State seen on the top of the Seraglio. The system for making the punishment of *official delinquents* operate to banish theft and robbery from the Turkish dominions, was founded by Constantine, as appears from the following edict, issued by that illustrious and immortal monarch :—

“*To all our Subjects throughout the Provinces
 of the Roman Empire.*”

“If there be any individual, of what place,
 “condition, or quality soever, who can fairly
 “and substantially convict any of our judges,
 “generals, favourites, or courtiers guilty of
 “any *undue* or *corrupt* practices in the dis-
 “charge of their respective trusts, let him,
 “with all possible freedom and security, ap-

“proach the throne, and ~~appeal~~ appeal to us. We
 “ourselves will hear his accusation swith con-
 “descension and patience; and if he make good
 “his allegations, we shall be happy and eager
 “to do ourselves and our people justice on the
 “man who shall be found to have thus im-
 “posed on us by specious but deceitful coun-
 “sels. And for his encouragement, who shall
 “make so useful a discovery, we will amply
 “reward him with honours and riches. So
 “may Divine Providence ever protect our
 “royal person, and make us happy in the
 “prosperity of the Roman empire.”

“This edict,” says an able and enlightened author,
 “ought to be written in letters of gold, and hung up
 in the portico of every law court in the kingdom.”

Having gone so largely and so minutely into the
 analysis and dissection of the atrocious system of
 “*imprisonment for debt*,” in the first letter I had
 the honour of addressing your Lordship on the
 subject, I naturally gave myself up to the belief,
 that I should not again have occasion to revert
 to it; but the observations reported to have been
 made by several noble Lords in the Upper House of
 Parliament on the Lord Chancellor moving, on the
 11th of July, the second reading of the “Bill” he
 brought into the house, *professedly* to effect that
 object, convinced me I had come to a hasty con-
 clusion. And first, with respect to those reported
 to have been made by the Lord Chancellor. Before
 I proceed to make a single comment on those doc-
 trines said to have been laid down by his Lordship,
 I beg most distinctly to state, that in whatever re-

marks I may feel myself called upon to make on his Lordship's *speech*, as reported, I by no means intend those remarks as applying to his Lordship, personally. His Lordship has been imposed on—most grossly imposed on. If I did not know the accuracy with which the debates in Parliament are reported in the *Times Journal*, I should instantly conclude, on reading that *speech*, that it was in reality not made by his Lordship, but by *Lord Ellenborough*. Every passage—every sentence—every part and particle of that *speech*, bears a strong, and I will say, a friendly leaning to the present position of *Lord Ellenborough*. It is precisely such a *speech* as a man having a positive income of 10,000*l.* a year, arising from the atrocious system of "*imprisonment for debt*," would make. *Lord Ellenborough*, had he been prepared to at once unmask—come forth—and boldly, before God, and his country, advocate the *continuance* of that atrocious system, could not have made a more forcible—more argumentative—or more home-pressed *speech*. The "*speech*" commences by expressing consideration for the *creditor*,—and a negative, or conditional feeling for the *debtor*: that is, in plain version, pity for the *oppressor*, and contempt for the *oppressed*! A question, big with import, here presents itself,—a question, on which the misery or happiness of millions depends,—namely, who is the *creditor* to whom the *speech* alludes? A man calling himself a *creditor*, does not make him one. And sure I am, that the floor of Parliament is not the floor on which he could establish his claim to that character. A court of

law, alone, is the place where a man can, by the verdict of a jury, prove himself a *creditor*. And even after a jury has given him that right, he ceases to own it, from the moment he avails himself of the power, the atrocious system of "*imprisonment for debt*" gives him, of incarcerating his fellow subject. Once he avails himself of that power, he loses the appellation of *creditor*, and takes on him, in exchange, that of *informer*. This being the case, the question is, can an "*informer*," notwithstanding his efforts to retain his former character—that of *creditor*,—and notwithstanding the assistance he receives from the Law Department in giving life to those efforts, prosecute a freeborn subject, without being supported in his evidence by corroborative testimony? Our law books speak a different language,—let us hear them. "Where a statute appoints a conviction on the oath of one witness—this ought not to be on the single oath of the *informer*; for if the *same person* should be allowed to be both prosecutor and witness, it would induce *profligate persons* to commit *perjury* for the sake of the reward."—*L. Ray*, 1545.

In this sound view of the case, laid down by our law books, I would again ask, who is the *creditor* to whom the *speech* alludes, and for whom the Law Department feels such intense—such never-dying sympathy? A creditor—a real *bonâ fide creditor* I mean, is a *contractor*,—and in that capacity must have a *contractee*. There cannot be a *contractor*, without a *contractee*. That a *contractor*—that is, a *bonâ fide creditor*, can enter a civil suit against his *contractee*, for the recovery of

a fair and just demand, there can exist no question ; but that such *creditor* or *contractor* can enter a criminal suit—that is, a suit in which, on conviction, punishment was to follow, against his *contractee*, I utterly and peremptorily deny. Such a doctrine would not be tolerated even among freebooters or footpads ! Before a *creditor* can criminally prosecute, he must, as I have before said, turn *informer*, and with that, his new character, he must remain *branded* to the last hour of his life.

For this “*informer*” then, for this wretch—this miscreant—this monster without a name, the “*speech*” reserves all its pity—all its commiseration. Throughout the entire of that “*speech*,” there is scarcely a sentence to be found that does not breathe pity and commiseration for the *creditor* thus transformed into an “*informer*,” and contumely and contempt for his *victim*. Do the annals of the world present us with a parallel case to this ? Do the annals of the world present us with another instance of a judge—and that judge a chancellor, rising in his place in Parliament, *professedly*, to propose a measure which should have for its object the opening the prisons—striking off the chains—and setting the *victims* free, turning suddenly round, and attacking with virulence—unmitigated virulence, the very *victims* whom he professed to relieve and cherish ! But the “*report*” of his Lordship’s speech in the *Times* Journal must be incorrect. The “*reporter*” slept. What of that ? Homer slept. The “*reporter*” slept—evidently slept,—and by his sleep, broke his sentences—displaced his notes—and thus, instead of a true

and faithful representation of ~~what~~ his Lordship did actually say, has given us a rude disjointed mass of chequered phrases and unmeaning rules.

It has been often and truly said, that when a man gets on a wrong road, the further he goes, the more wrong he gets. The Lord Chancellor can recognise no man, as a *creditor*, until he has first proved his title to that character. There are at the present moment but two persons in this country whom the Lord Chancellor can recognise as *creditors*—the descendant of Troutbeck, and the Baron de Bode. And the Lord Chancellor recognises those two persons, *as creditors*, not only because they have proved their title to that character,—but, because all England—all Europe—nay, the whole civilized world, wherever their respective cases have travelled, also recognise them as *creditors*—*creditors* of the British Government. Those two persons are *claimants* on the British Government;—a *claimant* on the British Government, is only another term for a *creditor* of the British Government. In both these cases, the British Government stands in the relation of *trustee*. From the earliest ages of the world, the office of “*trustee*” has been held sacred. The duties which devolve to a *trustee* are grave;—they are important,—nay more, they are imperative. In the violation of those “*duties*” is the perpetration of that most flagrant of all flagrant offences against society—*breach of trust*. Let this offence be but once tolerated,—let it be but even slightly looked on, and all the great and protecting bonds that bind man to man, are at once loosened—dissevered—destroyed! If those

“duties” pertain to the *Absent*,—they also pertain to the *Dead*. The *Absent* cannot impeach,—the *Dead* cannot control. A *trustee* is a guardian—a guardian angel,—God is a *trustee*! May those who fill the sacred post, imitate him!

If this be the noble character of a *trustee*—and that it is, no man will be hardy enough to deny,—and that the British Government stands in the relation of *trustee* in both the cases above alluded to, wherefore is it, that the two claimants—the descendant of Troutbeck—and the Baron de Bode, did not, instead of uselessly sacrificing their time, and money by applying to *Parliament*,—apply boldly, and at once, to the *Court of Chancery*? There is no responsibility in the *Court of Parliament*,—it has no head—no chief—no master. Not so the *Court of Chancery*,—that “*Court*” is pinned to the earth by its responsibility. It has many heads—many chiefs—many masters. It is responsible to Parliament—to the press—and, to public opinion. There is no man exempt from its power—the king can be sued in it. It is always open—always accessible;—it knows nothing of *dissolutions*, or *prorogations*.

The power of the Lord Chancellor may be divided thus :—restraining—dispensing—ordaining. And his duty, which according to his oath is—“to do justice to all persons—poor or rich; the king truly to counsel, and to keep the king’s counsel, and not to suffer the rights of the crown, or the liberties of the subject, to be in any ways diminished.”

This is the duty imposed on the Lord Chancellor, and to the strict and due performance of which, he

solemnly swears. This duty may be divided thus ; to inquire, to hear, and determine ;—" ad inquirendum—ad audiendum et determinandum." The idea of pure, impartial, inflexible justice has, from the earliest ages, been always associated with the appellation of "chancellor." "*Aristides*," says the historian, "from his *strict justice*, and thorough "knowledge of the government, and forms of the "laws, was styled the Chancellor of Athens."

"The Lord Chancellor," say our books, "keeps "the great seal, not to judge according to the common law, as other Courts do, but to *dispense* with "such parts as seem in some cases to oppress the "subject,—and to judge according to equity, conscience, and reason. Wherefore he is said to "have two powers ; one absolute, the other ordinary ; the meaning of which is, he must observe "the form of proceeding in other courts, yet in his "absolute power he is not limited by the written "law, but in conscience and equity."

These are the attributes of the Lord Chancellor, not pertaining to him personally, but specially conferred on him by the constitution, as attributes necessarily, and of right belonging to him in his high judicial capacity.

Thus by this exposition it is evident that the court of Parliament may, by possibility, be both corrupt, and unjust, as it assuredly was, prior to the passing of the Reform Bill ;—but that the Court of Chancery could either be corrupt or unjust, in the present enlightened state of society, is one of those impossibilities, which render reasoning an insult. I would, to-morrow, give the seals to the

veriest villain that ever stalked the earth, and he should not be able, with all his art—with all his might, to stop the wheel of justice, for so long even as the fiftieth part of a second, if there could exist a portion of time so minute, or limited.

As to the claim preferred against His Majesty's Government by the descendant of Troutbeck, there has not been brought forward a shade of evidence to either shake its validity or tarnish its justice ; so that that claimant has only to go through the mere form of filing a Bill against the First Lord of the Treasury, as representative of the Government—and his work is done.

And with respect to the claim preferred by the Baron de Bode, it would be a proud day for the British Government, could they blot out for ever from their records the base and groundless obstacles raised, day after day, for years, to its payment. The claims of both these claimants rest upon the same basis : the Government stands in the relation of *trustee* to both. The duty which devolved to Government in that character was plain, and easily understood ;—they had but to pay with one hand, what they had received with the other. A *trustee*, to discharge his duty, requires no talents—no tact—INTEGRITY constitutes his sole requisite.

It is of little or no import in what way Government becomes possessed of stray property,—it is sufficient to establish the fact, of their having possessed themselves of it, to bring them under the responsibility annexed to a *trust*. Government have not only a right, but are bound, to take charge of all property wandering for an owner ; but that which

would be good in them to ~~take~~—would be infamous in them to *retain*—namely, property that did not belong to them.

Having said that the obstacles raised to the payment of the claim preferred by the Baron de Bode, were base and groundless, it behoves me to prove them so ; *assertion* is nothing without *proof*.

And first, the opposition to the Baron de Bode's claims commenced by attacking the Baron's mode of establishing his title to the estate in France, which descended to him from his father. This was a snare ; and the Baron, unfortunately, allowed himself to be caught in it. Whenever I hear of a man being deceived, I always conclude, that he is incapable of deceiving others—and therefore free from suspicion. What, it may be asked, had the British Government, standing as it did, in the relation of "*trustee*," to do with the *title* to an estate in France ? The French Government, whom alone the *title* concerned, paid the full amount of the confiscated property to the British Government, in *trust*, for the Baron ; and the direct course for the Baron to have pursued, when he found the *subterfuge* resorted to, respecting the "*title*," was, to have filed his Bill.

It is an established truth that, in dealing with the wicked, we are always sure to find one vile act followed by an act still more vile. Thus the next *subterfuge* resorted to was, a *cancelled passage* in a deed ;—which "*deed*," with, or without the *cancelled passage*, had no more to do with the Baron's claims, than it had to do with the rock of St. Helena, or the illustrious victim that perished on it !

I shall pass over a host of *subterfuges* as wholly unworthy, from their contemptibility, of a place in this "*letter*," and come at once to that heaviest of all heavy charges made against the Baron—namely, that of having made a demand of the enormous sum of 800,000*l.*, for an estate, the outlay on which did not exceed 12,000*l.* Really, my Lord Melbourne, it is difficult to believe, that the opponents to the Baron's claims could have been in their right senses, when they included this complaint in their list of complaints against the Baron. Were those men ignorant of the very simple truth, that what a man *gives* for a property, and what he *asks* for it when up for sale, have no more to do with each other, than the unborn and the dead? Mr. Palmer received 300,000*l.*, as remuneration for the ingenuity of his plan of the mail coaches;—Mr. Palmer's outlay did not exceed—*sixpence*—the price of the paper on which the "*plan*" was drawn up! Mr. Grattan, the celebrated orator, received 50,000*l.* for a *speech*, made in the Irish Parliament, which did not cost him so much as one farthing! Need I adduce more examples? The Baron must now do, what it was his duty to have done twenty years ago—namely, file his *Bill*.

The Baron's title to the estate that was confiscated, was founded on the law of *primogeniture*; and the British Government, was the last government on the face of the earth, that should have questioned a "*title*," so founded. There is not a landed estate in England, in Ireland, or in Scotland, that does not rest its title on the law of *primogeniture*!

That the Government can be sued in the courts of law, by a just creditor, is a fact too long and too well established, to admit of doubt; and that it is the only safe, short, and certain way for that *creditor* to recover his debt, is a fact, equally long and well established. The case of Wilks *v.* Lord Bute—and the still more recent case of Smith *v.* Viscount Melbourne, decide the point. There is a *concentrated responsibility*, if I may so express myself, in a judge, that is not in a Parliament;—the latter might be corrupt to the core, while the *public eye* rendered it impossible for the former to be other than *pure*.

It is ignorance of the *constitution*, and of the laws emanating from it, that alone keeps men out of their rights, and deceives them into a passive endurance of their wrongs. The “*constitution*” may be violated—but that says nothing; a woman is not the less virtuous because she has been violated. If the “*constitution*” has been violated, as in the case of the atrocious system of “*imprisonment for debt*,” the fault is not so much of the man who violates it, as it is of the man who permits it to be violated. And this charge of criminality, for permitting such violation, does not confine itself to the first minister, exclusively; on the contrary, it reaches every individual in the State, without exception. There is not an individual in the State, however humble and powerless he may be, that cannot vindicate the “*constitution*”—and even, single handed, compel its observance.

When we read of a Lord Chancellor (Bathurst) asking, in a letter to a friend, “where the con-

"stitution of England was?—and confessing that, for his part, he could never perceive it," we tremble for the fate of that country which could ever at any time, have been cursed with the presence of such a Chancellor. Was Lord Chancellor Bathurst *ignorant*?—or, was he *corrupt*?—or was he, what was worse than either, *indolent*? Did his reading never extend to the following specimen of political wisdom, and foresight?—

"A freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great offence, after the greatness thereof. He shall not be *taken*, or *misprisoned*, or *bedenizened* of his *freehold*, his *livelihoods*, *free customs*, or *civil rights*,—nor be outlawed, or exiled, or any otherwise injured or destroyed; nor will we pass upon him judgments, nor condemn him, but by verdict of his peers *per leges terra*, or the law of the land. We will *sell* to no man, nor *defer*, nor *deny* to any man, either justice or right."—14 and 29 c. of Stat. Henry III.

Did the same Lord Chancellor, *Bathurst*, never read even so far as his judicial grammar? Did he not know, that not only had England a "*Constitution*," but that the king had sworn to observe, and see that all under him observed it? Did he not know that it was the express duty of the king to govern his people according to *law*, which is but another word for the "*Constitution*"? *Nec regibus infinita aut libera potestas*. "The king," saith Bracton, "ought to be subject to the *law*; for the *law* maketh the king. Let the king therefore

“render to the *law*, what the *law* has invested him
 “with regard to others, dominion and power : for
 “he is not truly king, where will and pleasure
 “rules, and not the *law*. The *king* has a superior,
 “namely *God*, and also the *law*, by which he was
 “made a *king*.” This doctrine, the *king* himself
 verifies, by the oath he takes at his coronation, of
 which the following is a copy :—

“*The Archbishop or Bishop shall say*,—Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same? *The King or Queen shall say*, I solemnly promise so to do.

“*Archbishop or Bishop*.—Will you to your power cause law and justice to be executed in all your judgments? *King or Queen*.—I will.

“*After this, the King or Queen, laying his or her hand on the Holy Gospels, shall say*,—The things which I have here before promised, I will perform and keep : so help me God! and then shall kiss the book.”

The question to which the king's coronation oath gives birth is, what is the *law*? This is an important question,—too important for me to answer; I will therefore leave the task of answering it to persons of greater experience and more wisdom than I possess, or could ever pretend to. “The *“municipal law,”* says Cicero, and after him Bracton, “is a power commanding what is right, and prohibiting what is wrong, *sancio justa, jubens honesta et prokibens contraria*; hence it follows, that the “primary and principal objects of the law are *rights* “and *wrongs*.” This is a sound definition of *municipal law*. It is on this law, that the great bulwark of English liberty—*Magna Charta*, or our *national law*, has been erected. And, to the immortal

honour of the ~~great~~ writers of those gone-by days, they have not left us in ignorance of what we are, or what we are not indebted for, to the king, on the point of municipal law. "The king," says Blackstone, "is not the *creator*, but the *distributor* of justice;—*justice* is not derived from the king as from his *free gift*—but he is the steward of the public, to *dispense it to whom it is due*. He is not the *spring*, but the *reservoir*—from whence *right* and *equity* are conducted to *every individual*. The "original power of jurisdiction," adds this profound lawyer, "by the fundamental principles of society, *is lodged in the society at large*."

But it may be said, that though the king cannot violate the *law*, he nevertheless can, by his prerogative, do what has a much more dangerous effect upon the society—namely, pardon those who do violate the *law*. No, my Lord Melbourne, happily, though a king, he can do no such thing! If he could, he might at any time, should he will it, disengage himself from that part of the *compact*, which imposes on him the duty of extending protection, in exchange for allegiance. The King of England can neither use his prerogative to save the guilty, nor destroy the innocent. *Rex Angliæ nihil injuste potest!* In fact, there are numerous things the king cannot do:—*Salvo jure, salvo jramento, et salvo conscientia sue*.

This is the constitution;—it is imperishable! It may be assailed—but cannot be annulled. It has stood, unimpaired, the ravages of time—and the vicissitudes of fortune. When framing it, the framers threw into it the seeds of its strength and of

its duration. And after it had been framed, and received the sanction of Parliament, and become the law of the land, a bill was passed, making it treason to alter, amend, repeal or abolish it! Not satisfied with this, the framers, in order to make surety doubly sure, insisted on an *oath*, of which the following is a copy, being imposed on all such persons as the king should, in his judgment, call to his assistance in administering, under its control, the affairs of the nation :—

“ I do swear—First, To advise the king according to the best of my cunning and discretion. Second, To advise the king for his honour—and *for the good of the public*—without partiality, through affection, love, meed, doubt, or dread. Third, *To keep the king’s counsel secret*. Fourth, *To avoid corruption*. Fifth, To help and strengthen the execution of what shall be there resolved. Sixth, To withstand all persons who would attempt the contrary. Seventh, and finally, to observe, keep, and do all that a good and true counsellor ought to do for his sovereign Lord.”

The foregoing documents constitute, conjointly, strong bonds—strong obligations. They form, if I may so express myself, the bulwark of the British constitution.

There may, I grant you, my Lord Melbourne, grow up at times in the fairest garden, noxious and deleterious weeds, but who, I would with deference ask, are responsible for the growth of those noxious and deleterious weeds, but those who are appointed to, and paid for, the duty of keeping the ground clear, and preventing their growth?

Where a man swears to the strict performance of a defined and important duty, and subsequently neglects that duty, he perjures himself!

Now, my Lord Melbourne, you are aware, that in the First Letter I had the honour of addressing you, I proved distinctly, and to demonstration, that the atrocious system of "*imprisonment for debt*" was a direct and palpable breach of the constitution; and consequently, that though neither you nor your illustrious colleagues had any hand or part in establishing or encouraging that "*system*,"—yet that both you, and they were answerable, and exclusively, for its continuance. But to fix that responsibility, decidedly, it will be necessary for me to enter deeper into the subject than I have yet done—and this, I am fortunately enabled to do, from the number of deplorable cases which have been transmitted to me since, and in consequence of, the publication of my "*First Letter*." Those "*cases*" have taught me, that numerous as the "*materials*" were, which I had collected, though they furnished sufficient information for a commencement, bore no proportion in point of *value*, on the score of illustration, to that, which those "*cases*" have supplied.

From the perusal of those "*cases*," I am more than ever impressed with the idea, that the "*speech*" imputed to the Lord Chancellor on moving the second reading of his bill, was never made by him, but as I have before said, the reporter slept, and gave the speech of Lord Ellenborough, or of some other Lord, instead of that of the Chancellor. I say this sincerely, for, if I could be prevailed on

to believe, that it was, in reality, his Lordship's "*speech*," I would at once ask, *when* would the day arrive, that Lord Chancellors would grow to manhood—when put on the *toga virilis*—when learn *correctly*, the lessons which they had to repeat *publicly*? The House of Lords is the last place where *prompters* can be depended on. We never hear the truth from those who are interested in concealing it. There were several passages in the "*speech*," that must have made *many* of the noble listeners curse the lips that uttered it! Where the "*speech*" charged certain debtors, as a crime of the deepest turpitude, "*with living in the rules and privileges of the King's Bench prison, in luxury, on their creditors' property,—and setting those creditors at defiance*," must have cut, and to the quick—and the quick itself, a number of the noble Lords who were present at its delivery. Parliament itself is a species of "*rules and privileges*,"—"where certain debtors can *live in luxury, on their creditors' property, and* (with "Newgate in the distance, for disturbers) *set their creditors at defiance*." I can state, with moral certainty, from the "*documents*" which have been transmitted to me, that there were at the time that "*speech*" was made, and for years prior, a number of honest tradesmen pining—or rather perishing in prison, under "*writs of capias*" run on to *execution*, for bills which they had accepted (and for which they never received one farthing value) merely to oblige Members of the House of Lords!!! In one case, a distress for rent was put into the house the moment the arrest took place; by which stripping process, the wife and four children were compelled

to drink—deeply drink, of the bitter and degrading cup of a workhouse!!! The *noble debtor*—the author of this mass of misery, has filled some of the highest and most lucrative offices under the crown!!! If it were asked, why the *creditor* did not sue the *noble debtor* himself instead of his unfortunate dupe? The answer—and a true answer, would be, that every article the *noble debtor* figured with, in the world—house, furniture, carriage, horses, liveries, &c. &c. were *hired*—and his person *privileged*!!! This honest, upright, honourable, humane Lord and legislator has expressed himself, both publicly, and privately, as, “decidedly hostile” to any bill which would have for its object the “abolition of “*imprisonment for debt*”!!!

This case is not unique—it has its fellow, with many a count. I have not given the *name* of the noble *debtor*, but nothing will be lost by that defect. He is a sorry painter who is compelled, after having traced his painting, to write the name under it. That which I have drawn, needs no index—those who run may read. I shall not, however, observe the same delicacy with respect to *name*, with another member of the Upper House, who, though not a debtor—as far, at least, as the world is informed, is yet well entitled to an observation or two—I mean the *Duke of Wellington*. Of the *speech* imputed to his Grace on the Chancellor’s moving the second reading of his bill, I will say, that I believe in my conscience, it has been correctly reported;—I believe in my conscience that the *reporter*, out of deference to a man of whom so much has been spoken, shook off his drowsy fit,

and set to his duty in good earnest. If this be the case—and the presumption is, that it is the case, what are we to think of a nobleman speaking contemptuously of men, whose only offence (?) was, their having fallen, *unawares*, into the hands of a banditti, who had stripped, plundered, and incarcerated them! It was *unwise* in the Duke, to say the least of it, to designate those men, “*insolvents*”—particularly in the offensive sense in which he evidently wished it to be understood.

Without meaning in the slightest degree, to cast a stigma on his Grace in the use I am about to make of the word “*insolvent*”—for I admit that an infamous use may be made of a very harmless word—I do say, that his Grace was the last man in the king’s dominions that should have mentioned the word “*insolvent*”—with the disdain he is reported to have mentioned it. If his Grace is not himself an “*insolvent*”—in the Tory acceptation of the term, he is the son of an “*insolvent*.” From several letters, now in my possession, addressed by his Grace’s late father—*Lord Mornington*, to *Surgeon Neil*, nothing can be clearer than that that nobleman lived and died an “*insolvent*.” Far be it from me to make that incident, a charge against his Grace—neither do I consider that the slightest blame or disgrace attaches to the word “*insolvent*,” when applied to his late father, *Lord Mornington*. Every man is liable to misfortunes.

“Who can say, he will not drink of this water?”

By the “Letters” of Lord Mornington to Surgeon Neil, above alluded to, it appears, that the noble Lord was suffering, for a considerable time

previous to his death, the extreme of misery, from *pecuniary embarrassments*. Though the exact amount of those "*embarrassments*" is not stated in those "*letters*," yet sufficient can be collected from them, to make their amount little short of 40,000*l.*; and, what adds to the *pang—pang*, as regarded the ruined creditors of Lord Mornington—was a frank confession that, "after his death, there would not be found a shilling either to pay his creditors, or provide for his family." There is, however, nothing extraordinary in this confession;—the same has been made, and with truth, by hundreds of noblemen, before and since it was made by Lord Mornington. The calamity—and it is a calamity, as far as regards the tradesmen of this country—is attributable, though the Tories affect not to believe it, exclusively to the atrocious system of "*imprisonment for debt*." There is scarcely a nobleman—or indeed any man of property—whose property is not nearly ruined by the time he arrives at his majority, by the operation of that plundering system. What, between the robberies committed on those young heirs by *money lenders*, *writs of capias*, *sheriffs' officers*, *bail bonds*, and *post obits*, they become, by the time they reach their majority, in every sense of the word, decided and absolute *paupers*. They get the family *mansion*, it is true, but the family *estate* is gone; *the rents are paying into Chancery!* The Duke of Wellington, then, I repeat, is the last man in the British dominions that should have endeavoured to cast a stigma on *debtors*—his own family being literally a nest of *debtors*, and he himself the son and grand-

son of a *debtor*. Did his Grace forget, or affect to forget, that he had a brother a *debtor*—a chief, or “Master” *debtor*, as Lord *Ellenborough* is chief, or “Master” Clerk? Lord Wellesley’s position is not singular,—there are many on the same *list*. In the Law Department, he is a *participator* in the *fees* arising from the atrocious system of “*imprisonment for debt*”;—abroad in the world, he is a *sufferer* by the “*system*”;—and, in the Parliament, of which he is a hereditary member, he is a *defender* of that very “*system*”!!! There are sixty-six members of the Upper House, and one hundred and thirty-eight of the Lower House of Parliament, that have a direct interest in the *continuance* of that *system*”!!! Should those two hundred and four *legislators* sit, and speak, and vote on the indispensable necessity which exists for destroying that “*system*”!!! God forbid that this question should ever be answered at the mouth of the cannon!!!

The Duke of Wellington, in the *speech* imputed to him on the 11th of July, speaks of 800 “*writs*” of this colour,—and 1,500 “*writs*” of that colour. Why, taking in the whole of the United Kingdom—and that is the only fair way of dealing with the question,—there are upwards of 600,000 “*writs*” issued in the course of the year! So much for the “*manly and straightforward*” statement of his Grace. In England alone, there are upwards of 450,000 “*writs*” issued in the course of the year!

In that “*speech*,” if correctly reported, his Grace speaks of “*writs of mesne process*,” and “*writs of execution*.” What a waste of words!—instead of making one title describe both titles, as thus—

writs of destruction! His Grace also speaks of "*affidavits of debt*"!!! What a deplorable loss the world has sustained by the tyranny of *Fortune*, in having, when fixing the career of the Duke of Wellington, put on a double bandage, and by that single freak, given us a *soldier*, instead of a *lawyer*!

His Grace knew well the part he was playing; the *roll* furnished him by *Lord Ellenborough*, was drawn up for the occasion, and under his own eye; but, "a *seeming ignorance*," as the celebrated Lord Chesterfield told his son, "was a very necessary part of worldly knowledge"; and, in another place, that, "it was always good to see a fraud, but sometimes very dangerous to detect it." His Grace, at the time he made the "*speech*" imputed to him, knew as well as any man in England, that out of 1,000 cases of *incarceration*, 999 at least were on proceedings which required no affidavit!!! He also knew, that 999 cases of "*incarceration*," out of every 1,000, were for "*costs*" (the aggregate of *fees*), exclusively!!! His Grace also knew—knew well—that although there was an Act of Parliament which expressly declared that, "no man should be arrested for a debt under 20*l.*," there were *then* upwards of 50,000 free Englishmen pining in prison, for sums, varying from 20*l.* down to *twenty pence*!!! Is there any man in England could be prevailed on to believe, that his Grace was ignorant of those facts—that he knew nothing of the writs of "*attachment*,"—of "*subpœna*,"—of "*privilege*,"—of "*non pross*,"—or, of the "*writ*" called an "*absolute order*," issued by the Court of Requests, as an "*execution*" against the person!!!

Whatever his Grace might have passed for, when at a distance, we certainly find him, now that he has come nearer to us, but a sorry *tactician*. He has verified, and to the letter, the old and true observation—that “*No man is a hero to his valet de chambre.*”

Who or what is this man—this Duke of Wellington, that he should thus presume, all-deformed as he evidently is, in point of intellect, to direct the destinies of this mighty empire? Faithfully measured, the Duke of Wellington could not direct the destinies of a parish. Men of splendid talents are predicted. The seeds of greatness are seen in the cradle. Napoleon was born a giant!

From whom, or from what could the Duke of Wellington have derived the “*seeds of greatness*”? His father was a *fiddler*—he has left us his history. In one of his letters to Surgeon Neil, (to whom he was considerably indebted,) he says—“I have “devoted the best years of my life to gaining a “knowledge of the violin; and what benefit has “my knowledge of it rendered me, or my family? “I am the most unhappy of men. The thoughts “of my family, to whom I am unable to give a “shilling, distract me. My elder sons are smart, “and may get on; but *Arthur* and *Henry* are dull, “and lose too much time on trifles, ever to rise to “any note, except by some stroke of fortune, “which, from my unfortunate situation, they have “no right to expect. O the poor Countess—what “will become of her!”

This was prophetic. Fortune does not make a *statesman*, though it may a *soldier*—at least in name. “*The Duke of Wellington,*” says Madame

de Stäel, “has not two ideas out of the field; and, save what he borrows from Napoleon, scarcely one in it.” Madame de Stäel was a close observer; she saw character through the thickest veil. Napoleon too, was a close observer: he was also a prophet. “The victories,” said that immortal chief, “gained “by the army commanded by the Duke of Wellington, will rise in history,—but the Duke himself “will fall, even in his own time.”

Is this the man, thus portrayed, that is to rule the destinies of this mighty empire? And, will *you*, my Lord Melbourne, sustained as you are, by the *love*—and *power* (moral and physical)—of twenty-four millions of people—endure it!!! Will you, I say, endure it!!!—or will you go forth to glory! Stop the revolution—for you can do it—and make your country the elysium of the world!

Upon what principle, my Lord Melbourne, do you justify the dangerous precedent of permitting *the Duke of Wellington*, after he was removed from office by the concurring opinion of the nation, to still hold important posts under your administration? Is there another instance on record of a prime minister suffering an ex-minister—and that ex-minister his bitter and implacable enemy—to hold the humblest office in the State—much less such high and ostensible posts as Commander-in-Chief—Lieutenant of the Tower—Warden of the Cinque Ports—Governor of Dover, &c. &c.?

Who, I again ask, is this man—this Duke of Wellington? One would think he was some unheard-of being that, with his own hand, and with his own money, solely, vanquished the enemies of

his country. The Athenians would agree to have a statue set up *alone* to Mithridates, whenever he vanquished *alone*. Why do not the English hold the same language?

Little was known of the Duke, as a soldier, till after he had reached his fortieth year. A late hour to set out on military adventures! Well,—from that era, what has the Duke done? He commanded armies. What then? So did *Joan* of Arc. He gained victories. So did *Joan* of Arc. The Duke had the keys of the English Treasury, and the ablest models to go by—*Joan* had neither. In what does the Duke of Wellington surpass *Joan* of Arc? In nothing; he does not come up to her. Different deaths are assigned to different warriors. *Joan* of Arc was burnt, as a *witch*;—Martial Ney was shot, as a *coward*—I did not say at the instigation of a “*coward*.” Louis the XVIII. wished to save Martial Ney—but the pronoun “*I*” in the following sentence, sealed his fate:—“Let him be “shot; *I* will be answerable for the safety of Paris!”

If the Duke has not been *generous* to his country, and he alone can be called *generous* to her, who labours for her *gratuitously*, let us see whether he did not reserve all his generosity for his own immediate family. Gracious God! What do I say? How could anything noble or *generous* be expected from a man, who in possession of upwards of 2,000,000*l.* of the public money, left an aged and destitute mother—*Countess of Mornington*—a burthen on her country of 600*l.* a year, for upwards of *fifty* years!—and suffered a near relative to become an outlawed—proclaimed—humiliated *debtor*!

The Duke speaks with rapture of the *bocca del inferna*, or the mouth of hell—the “*Insolvent Court*.” The panegyrics he passed on that “*court*” were set down on the *brief* handed him by Lord *Ellenborough*. To take away the “*Insolvent Court*,” would be to take away 10,000*l.* a year, from Lord *Ellenborough*!

In a word, my Lord Melbourne, the atrocious system of “*imprisonment for debt*”—or, to speak more accurately, “*imprisonment for fees*,” must be destroyed! The laws of God and man command, that we destroy that, that would destroy us! And happily for the thousands—the hundreds of thousands of victims now pining in prison, there are four distinct ways by which that atrocious system can be destroyed. First, By filling the prisons with voluntary prisoners—and keeping them filled. Second, By each victim procuring a Habeas Corpus from the Court of Chancery, and demanding on it, from the Chancellor, his liberation. Third, By a petition, respectfully couched, to our illustrious Home Secretary, Lord John Russell. Fourth, By a direct appeal to you, my Lord Melbourne, in your capacity of Prime Minister of England—and, as such, the guardian, *ex-officio*, of her constitution, and, of the rights and liberties of every, even the humblest subject in the State!

But can the prisons be filled—and kept filled? Unquestionably they can. A shilling from each victim will effect the object. And again, will the Chancellor grant a Habeas Corpus to bring up the body of that most hideous of all hideous criminals—a DEBTOR? Dare he refuse it!!!—Or, granting

it, will he certify, *manu sue*, that such DEBTOR is a CRIMINAL that should remain in prison, without trial, bail, or mainprize, on the order of a FELLOW CRIMINAL, for life? Let him, *if he dare!!!* As to Lord John Russell—will, I ask, that illustrious nobleman reply to a *petition* respectfully couched, that the *petitioner* is not the king's prisoner, but the prisoner of a power above the king, over whose incarceration he has no control? Not for kingdoms!!!

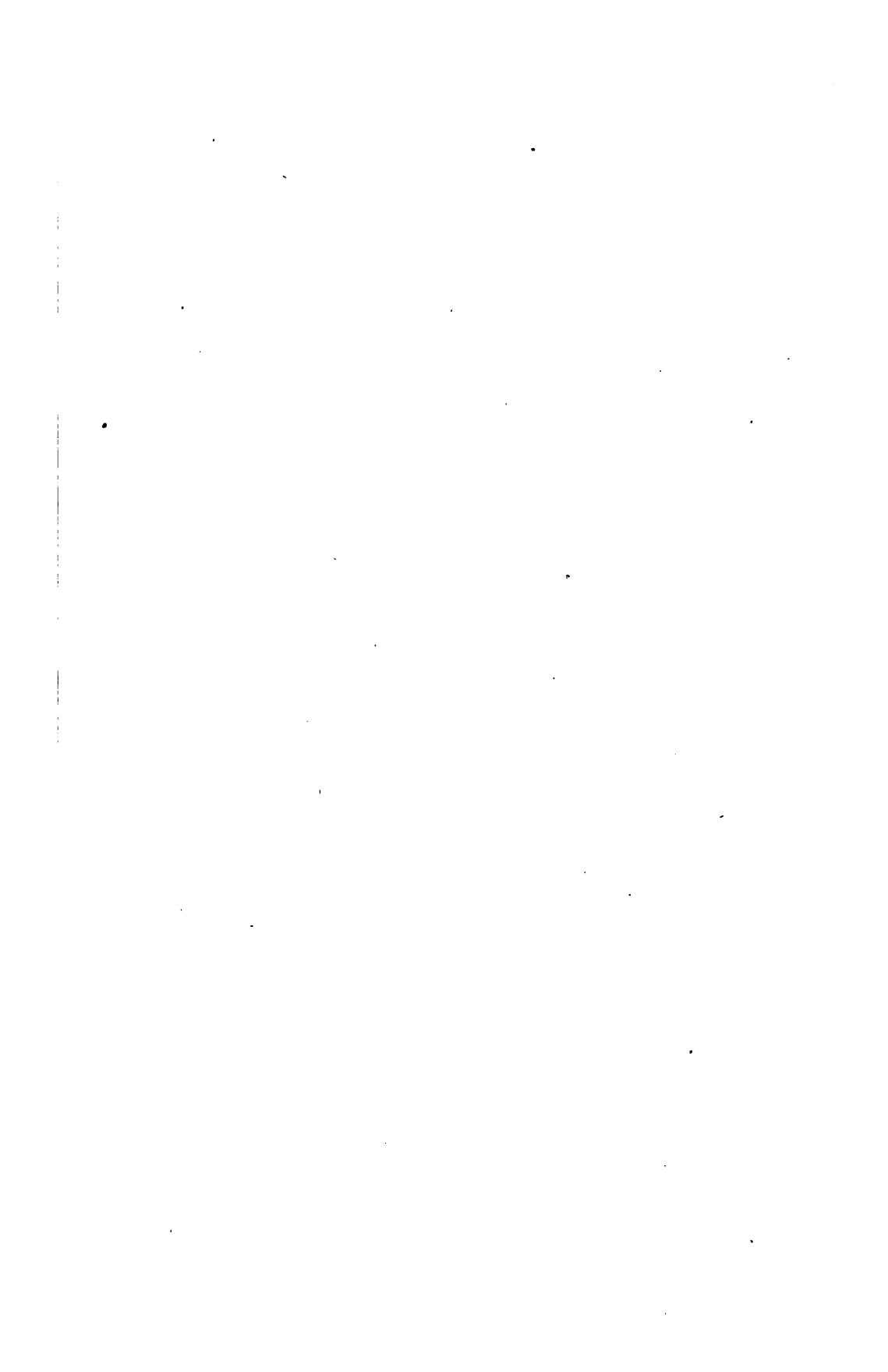
And with respect to you, my Lord Melbourne—the *lion* of the nation—will you hesitate?—will you crouch? Will you quail—and before ONE man!!! O hide my blushes! And who is that ONE man, before whom you would hesitate, crouch, and quail? In the field, a *butcher*—in the court, a *parasite*—and in the Senate, a *madman*.

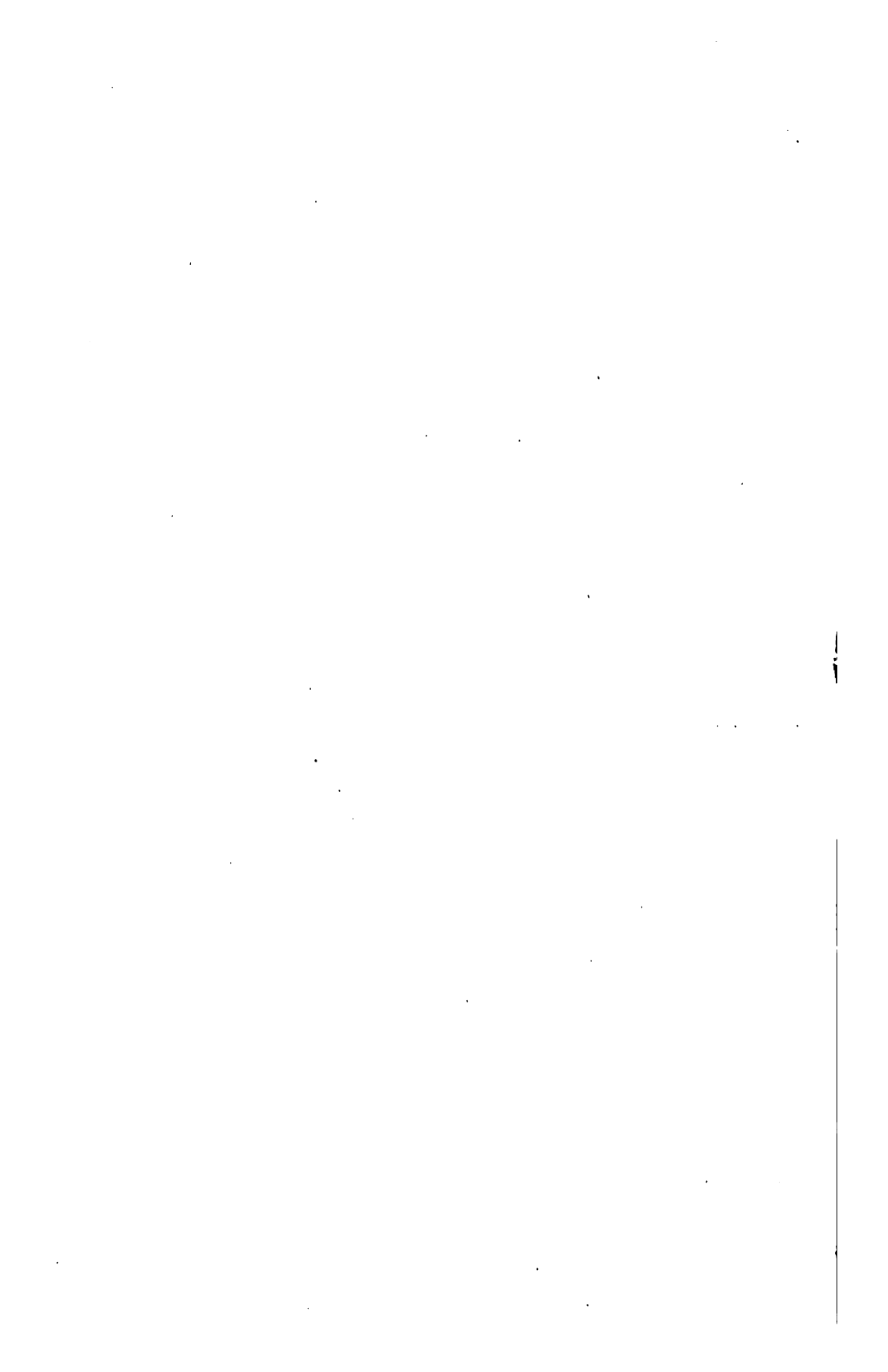
My Lord Melbourne, you have escaped from *one conspiracy*; and if you now, fastened as you are in the hearts of twenty-four millions, and with your eyes opened as I have opened them, allow yourself to be ensnared into a second—may you perish in it!

I have the honour to remain,
Your Lordship's friend and fellow citizen,
ROBERT GORDON.

LONDON, SEPTEMBER 8th, 1836.









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